

REMARKS

Responsive to the Office Action mailed 26 September 2008, the present paper is timely filed on or before 26 December 2008.

By the present paper, claims 1, 7 - 10, 12, and 14 - 16 are amended, claim 11, 13, and 17 are cancelled, and new claims 18 and 19 are presented. Accordingly, claims 1, 7 - 10, 12, 14 - 16, 18, and 19 are in the Application.

Applicants acknowledge with gratitude the recitation in the Office Action that claims 13 and 17 contain patentable subject matter. New claims 18 and 19 present claims 13 and 17 rewritten in independent form.

Entry of the claim amendments, entry of the new claims, and reconsideration of the Application are respectfully requested.

The Claim Amendments:

Claim 1 is amended to include the limitations of claim 11, now cancelled, which previously depended from claim 1, and to remove idiomatic errors. Claim 1 is also amended to include the limitation that each jaw member has a handle portion. Support for the amendments can be found, for example, in the claims as filed and support for the new limitation can be found in the specification at, for example, page 12, lines 9-22.

Claims 7 - 9 are amended to make them consistent with claim 1 from which they depend.

Claims 12 - 16 are amended to correct their dependency required by cancellation of claim 11 and to correct idiomatic errors.

Applicants respectfully submit that the claim amendments do not introduce new matter into the Application.

The New Claims:

New independent claim 18 replaces claim 13, now cancelled, and includes all of the limitations previously present in claim 13. The claim is formatted and drafted to improve readability and to avoid idiomatic defects allegedly present in claims 13 and its parent claims. Support for the amendments can be found, for example, in the claims as filed.

New independent claim 19 replaces claim 17 and includes all of the limitations previously present in claim 17. New claim 19 is formatted and drafted to improve readability and to avoid idiomatic defects allegedly present in claim 17 and its parent claims.

Applicants respectfully submit that the new claims do not introduce new matter into the Application.

Claim Rejections Under 35 U.S.C. § 112:

All claims were rejected under 35 U.S.C. § 112 for alleged grammatical and idiomatic errors. Applicants respectfully submit that the

present claim cancellations and amendments cure any such defects that may have existed.

Claim Rejections Under 35 U.S.C. § 102:

Claims 1, 7, 8, 10 - 12 and 14 - 16 were rejected as allegedly anticipated by Fuhrman et al., United States Patent 7,073,232 (Fuhrman et al.). Applicants respectfully traverse.

To anticipate a claim, a prior art reference must teach each and every element (limitation) of that claim, arranged as required by the claim. M.P.E.P. ' 2131 (emphasis supplied). Even accepting, *arguendo*, the Office's characterization of the disclosure of Fuhrman et al. with regards to claims 1 and 10, Applicants respectfully submit that protuberance [30], although rotably attached at pivot 46, is in no-way biased (i.e. "urged") and does not have handle portions as required by claim1, and *per force* by all claims depending from it. For at least this reason. Applicants respectfully submit that rejection is improper and should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103:

Claim 9 was rejected as allegedly obvious over Fuhrman et al. Applicants respectfully traverse. As described in and required by claim 1, the jaw members of the "holder" element of Applicants inventive clamping tool are biased (urged) to a closed position by a biasing means (spring). Thus, the operator can conveniently operate the holder between open and

closed states. Guided by the magnetic attraction portions, the operator can easily interlock and the release the.

The device disclosed by Fuhrman et al. does not have the biasing function of Applicants' inventive clamping tool. The operator of the device of Fuhrman et al. must manipulate elements 12 and 14 individually, each in one hand. Because of these differences in structure and principal and method of operation, Applicants respectfully submit that the modifications of Fuhrman et al urged by the Office are improper and that the rejection is improper and should be withdrawn.

Conclusion:

Based on the forgoing amendments and remarks, Applicants respectfully submit that the claims are now in condition for allowance, which allowance is earnestly solicited. If, in the opinion of the Examiner, a telephone conference would advance prosecution of the Application, the Examiner is invited to telephone the undersigned attorneys.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot



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be processed, the USPTO is hereby authorized to charge any fee(s) or
fee(s) deficiency or credit any excess payment to Deposit Account No. 10-
1250.

Respectfully submitted,

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